

CITY OF MILWAUKEE

Form CA-43

GRANT F. LANGLEY
City Attorney

RUDOLPH M. KONRAD
PATRICK B. McDONNELL
LINDA ULISS BURKE
Deputy City Attorneys



OFFICE OF CITY ATTORNEY

800 CITY HALL
200 EAST WELLS STREET
MILWAUKEE, WISCONSIN 53202-3551
TELEPHONE (414) 286-2601
TDD (414) 286-2025
FAX (414) 286-8550

December 29, 2003

To the Honorable Common Council
of the City of Milwaukee
Room 205 - City Hall

Re: Communication from Attorney Laurie A. Eggert, Eggert & Cermele, S.C.
for legal fees for Police Officer Richard Nowak
C.I. File No. 02-S-263; ELO No. 1785

Dear Council Members:


Returned herewith is a document filed by Attorney Laurie Eggert for attorney's fees for representing Police Officer Richard Nowak. The claim is in the amount of \$390.83 including \$5.83 in disbursements for 3.50 hours of service billed at the rate of \$110.00 per hour. We ask that this matter be introduced and referred to the Committee on Judiciary & Legislation.

We have reviewed this claim and advise that in our opinion, the time spent was reasonable. Legal representation was occasioned by a criminal investigation. No criminal charges were brought against the police officer on whose behalf this claim was filed.

As we have advised you under similar circumstances in the past, the Common Council has discretion to reject this claim or to pay it in whole or in part. Sec. 895.35, Stats., *Bablitch and Bablitch v. Lincoln County*, 82 Wis. 2d 574 (1978).

Very truly yours,


GRANT F. LANGLEY
City Attorney


JAN A. SMOKOWICZ
Assistant City Attorney

JAS:enm
Enc.

2276

BEVERLY A. TEMPLE
THOMAS O. GARTNER
BRUCE D. SCHRIMPF
ROXANE L. CRAWFORD
SUSAN D. BICKERT
HAZEL MOSLEY
HARRY A. STEIN
STUART S. MUKAMAL
THOMAS J. BEAMISH
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DAVID J. STANOSZ
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PATRICIA A. FRICKER
HEIDI WICK SPOERL
KURT A. BEHLING
GREGG C. HAGOPIAN
ELLEN H. TANGEN
MELANIE R. SWANK
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EDWARD M. EHRLICH
LEONARD A. TOKUS
MIRIAM R. HORWITZ
MARYNELL REGAN
G. O'SULLIVAN-CROWLEY
DAWN M. BOLAND
KATHRYN M. ZALEWSKI

Assistant City Attorneys

EGGERT & CERMELE, S.C.

Attorneys at Law

Laurie A. Eggert
Jonathan Cermele

1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

August 1, 2002

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee, WI 53202

**RE: MPD Criminal Investigation of PO Richard Nowak
Allegations Regarding Mr. Sean Irwin
Date of Incident: Late March/Early April, 2002
Location of Incident: District #7
EC No.: 1785**

Dear Mr. Leonhardt:


The above-named police officer has retained us to represent him in connection with the above-referenced matter.

Consistent with its policy, the City Attorney's Office has refused to represent him, and as he was performing the duties of his office at the time of the events giving rise to the incident, the claim is hereby made on his behalf for the indicated legal fees. This incident involved missing property.

The MPD initiated a criminal investigation in which the officer initially declined to give a statement without counsel. When he requested counsel, IAD compelled PO Richard Nowak to give a statement concerning the incident after issuing a PI-21. Later, the MPD decided not to issue criminal charges against the officer. Attached is a copy of the clearance report and an itemization of the time and services rendered.

Sincerely,

EGGERT & CERMELE, S.C.


Laurie A. Eggert
Attorney at Law

12/29/03

O.K.

JHS

Letter 2276

JC/ldl
NOWAK

CITY OF MILWAUKEE
2002 AUG -5 AM 11:47
RONALD D. LEONHARDT
CITY CLERK

EGGERT & CERMELE, S.C.*Attorneys at Law*Laurie A. Eggert
Jonathan Cermele1840 North Farwell Avenue
Suite 303
Milwaukee, Wisconsin 53202
(414) 276-8750
FAX (414) 276-8906

August 1, 2002

Mr. Ronald D. Leonhardt
Milwaukee City Clerk
800 City Hall
200 East Wells Street
Milwaukee WI 53202RE: MPD Criminal Investigation re: Mr. Sean Irwin
Regarding: PO Richard Nowak
Date of Incident: Late March/Early April, 2002
Location of Incident: District #7

Professional services

	<u>Hours</u>	
04/11/02 Telephone call from PO Nowak regarding new criminal investigation; open file; memo to file.	0.60	
04/15/02 Review of file; telephone call to client; telephone call to witness.	0.40	
04/18/02 Review of file; meeting with PO Nowak at IAD; attend PO Nowak's PI-21 statement to IAD; travel; memo to file.	1.50	
05/10/02 Telephone call to IAD; correspondence to client; correspondence to MPD Open Records.	0.50	
07/18/02 Review of correspondence from MPD Open Records; correspondence to clients; close file.	0.50	
		<u>Amount</u>
For professional services rendered	3.50	\$385.00

Mr. Ronald D. Leonhardt

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Additional charges:

	<u>Amount</u>
07/18/02 MPD Open Records request	5.83
Total costs	<u>\$5.83</u>
Total amount of this bill	<u>\$390.83</u>
Balance due	<u>\$390.83</u>

(Rate: \$110.00 per hour)

PO-15B SUPPLEMENTARY REPORT MILWAUKEE POLICE DEPARTMENT		Date of Report 04-25-02	Incident/Accident # 02-087-3106
INCIDENT Theft		Date of Incident/Accident Rep. 03-20-02	Code #
VICTIM IRWIN, Sean B.		LOCATION OF INCIDENT 3626 W. Fond Du Lac Avenue	DIST 7
JUVENILE Last Name	First	Middle	Date of Birth

QUANT	TYPE OF PROPERTY	DESCRIPTION	SERIAL #	CODE #	VALUE
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This report is written by Detective Ivan WICK, Internal Affairs Division/Criminal Investigation Unit, Early Shift.

Regarding this incident, based on the investigation it is not possible at this time to identify a criminal suspect with any specificity. Both officers involved in the initial recovery of and subsequent inventorying of the callbox provided statements in which they indicated that the callbox did contain the missing property when they took custody of it, and a report filed by then Sergeant (now Lieutenant) Alan JOHNSON corroborates their statements. A copy of Lieutenant JOHNSON's report accompanies this investigative packet.

The investigation into this incident revealed that the callbox from which the property is missing was left unsecured in the District Seven garage for a period of eight days, from 03-20-02 to 03-28-02. District Seven police and civilian personnel from all three shifts at District Seven, personnel from other districts or bureaus (such as Criminal Investigation and Special Operations Bureau personnel, Vice Control Division personnel, etc.) who had

SUPPLEMENTARY REPORT
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business that would have taken them to District Seven, and medical personnel who had cause to be at District Seven all would have had access to the garage and the missing property. It is realistically not possible to account for all of the personnel who could have had access to the missing property and there is no realistic chance to identify a suspect and solve this case.

The criminal internal investigation is being closed but the criminal complaint itself will remain open.

REPORTING OFFICER	PAYROLL#	LOG. CODE	SUPERVISOR SIGNATURE
Det. [Signature] Detective [Signature] VICK	63523	04	Det. [Signature] E. Richards Sr. 44

MILWAUKEE POLICE DEPARTMENT

MEMORANDUM

SEPTEMBER 13, 2002

TO: P.O. RICHARD NOWAK
DISTRICT SEVEN

RE: Receipt of Legal Services from Law Firm of
Attorney

Attorney LAURIE EGGERT has made a claim with the City, indicating the attached was provided with legal services arising out of one of the following situations:

- 1) An incident occurring on MARCH/ APRIL 2002
- 2) A citizen's complaint made by SEAN IRWIN
- 3) A police shooting incident occurring on N/A

Is this information correct?

YES X NO

Did you receive legal representation
in this matter?

YES X NO

Your signature: *Richard E. Nowak*

Print your name: RICHARD E. NOWAK

Upon completion, please return this memorandum to the Internal Affairs Division at the Police Academy (Room 325) as soon as possible.

St. Settingsgaard
STEVEN M. SETTINGSGAARD
POLICE COMMANDER
Internal Affairs Division

RECEIVED

02 OCT -7 AM 7:47

MILWAUKEE POLICE
INTERNAL AFFAIRS
DIVISION
SMS